

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES LIFE	:	
INSURANCE COMPANY IN THE		
CITY OF NEW YORK,	:	
 Plaintiff	:	CIVIL ACTION NO.: 3:22-CV-80
 v.	:	(JUDGE MANNION)
 YVETTE A. AUGUSTUS,	:	
JOANNE AUGUSTUS, DOREEN		
Y. AUGUSTUS, JAMAL J.	:	
AUGUSTUS, JULIUS O.		
AUGUSTUS, JAHQUAN J.	:	
AUGUSTUS and THE ESTATE		
OF HERBERT F. AUGUSTUS	:	
 Defendants	:	

MEMORANDUM

On January 14, 2022, the instant complaint for interpleader relief was filed by United States Life Insurance Company in the City of New York pursuant to 28 U.S.C. §1335 against the above-named defendants seeking to resolve conflicting claims and potential rights to the benefits due and owing under a policy of life insurance issued to Herbert F. Augustus (the “decedent”). (Doc. 1).

A motion for interpleader deposit was granted by order dated January 18, 2022, (Doc. 5), and a payment from plaintiff was received by the Clerk of Court for the Middle District of Pennsylvania in the amount of \$40,928.35.

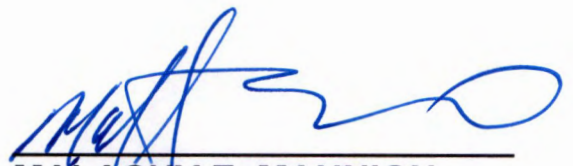
On February 28, 2022, affidavits of service for summonses were filed as to each of the individual defendants except Joanne Augustus. (Docs. 6-10).¹ An affidavit of service for summons was filed as to Joanne Augustus on April 21, 2022. (Doc. 17). Of the six named individuals, only Yvette A. Augustus and Joanne Augustus filed answers to the complaint. (Doc. 11, Doc. 19, respectively). With the time for the other four individuals to answer having passed, default was requested (Doc. 18) and entered against them by the Clerk of Court (Doc. 29).

On June 7, 2022, plaintiff filed an unopposed motion to dismiss and for discharge (Doc. 23), which was granted by order dated July 18, 2022 (Doc. 24).

On August 19, 2022, Joanne Augustus filed a motion for an extension of time to file dispositive motions (Doc. 26) along with a certificate of concurrence (Doc. 27). Subsequently, on December 22, 2022, Yvette A. Augustus filed a motion to withdraw her claim against the life insurance policy (Doc. 28) leaving Joanne Augustus as the only defendant in this matter. On March 1, 2023, Joanne Augustus withdrew her motion for an extension of time to file dispositive motions as moot. (Doc. 30).

¹ No estate of the decedent was raised in this action and therefore the named party estate has neither been served, nor has appeared. (Doc. 26, ¶4).

Ordinarily, the merits of this action would be decided upon a complete factual record. However, given the default of four of the defendants and the withdrawal of claim by Yvette A. Augustus, the action can be resolved and judgment entered pursuant to the only statement of claim remaining in the matter, that of Joanne Augustus, which is consistent with Fed.R.Civ.P. 55(b). The claim of Joanne Augustus is now uncontested and accordingly her claim will be granted. An appropriate order shall follow.


MALACHY E. MANNION
United States District Judge

Date: February 22, 2024

22-80-01